IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Summons for Judgment No.l80 of 2004

in

Summary Suit No 373l of 2003

Ashish Kejriwal ..Plaintiff

vs

C.D.Shah and anr ..defendants

Mr. K.T.Kukreja for plaintiff

Mr.G.C.Mohanty for defendants.

CORAM: S.J.VAZIFDAR J.

Dated 25.l.2005

P C:

The plaintiff is permitted to proceed on the basis of denials to the affidavit in reply.

The suit is filed on two Bills of Exchange drawn by the defendant no.l and accepted by defendant no.2. The Bills of Exchange are in the sum of Rs.25,000/- and 50,000/- each. There is no reply to the plaintiff's advocate's letter dated l2.3.2003 demanding payment.

The only defence to the suit is that there is no consideration for the Bill of Exchange.There is, however, no explanation whatsoever as to why defendant executed the Bill of Exchange. That Bill of Exchange was executed is not denied.

It is alleged that the defendant no. 2 is not a firm and is only an Association of persons. However, no details have been given as to the alleged Association of persons. The defendants have not mentioned the names of the persons who allegedly constitute the Association of persons.

In the circumstances there is no defence to the suit. The summons for judgment is made absolute with costs. The interest, however, after the date of filing of the suit shall be at l2% per annum. Refund of court fee as per Rules.

For the purpose of refund of court fee, Prothonotary and Senior Master to act on the copy of this order duly authenticated by the Shirestedar/ Private Secretary.